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**ESSEX MARINA CITY CLUB, L.P., a
California limited partnership**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ESSEX MARINA CITY CLUB, L.P., a
California limited partnership,
Plaintiff,

v.

CONTINENTAL CASUALTY COMPANY,
an Illinois corporation; and DOES 1-20,
inclusive,

Defendants.

Case No.: 3:11-cv-00408-SC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE TRIAL
SETTING CONFERENCE**

State Action Filed: December 20, 2010
Removed: January 27, 2011

Honorable Samuel Conti

Plaintiff ESSEX MARINA CITY CLUB, L.P. ("Plaintiff" or "Essex") and Defendant CONTINENTAL CASUALTY ("Defendant" or "Continental Casualty") by and through their counsel, stipulate:

1. Upon stipulation of the parties, the Court ordered the parties to participate in a settlement conference before Magistrate Judge Laporte and set a Trial Setting Conference for January 13, 2012. (Dkt. No. 52).

2. The settlement conference before Judge Laporte was scheduled for January 4, 2012. (Dkt. No. 53).

3. On January 3, 2012, the settlement conference was rescheduled to January 26, 2012, due to a family emergency involving Plaintiff's counsel and Continental Casualty's report to Judge Laporte that participation of a non-party would be necessary in order to reach a final settlement of this matter. (Dkt. No. 57).

4. Based on the parties' continued efforts to posture this matter for settlement and the impending settlement conference, the parties jointly request the Court continue the January 13, 2012 Trial Setting Conference to February 24, 2012 or a date thereafter convenient to the Court.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: January 11, 2012

PINEDO LAW

By: /s/ Craig A. Pinedo
Attorneys for Plaintiff
ESSEX MARINA CITY CLUB, L.P.,
a California limited partnership

DATED: January 11, 2012

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Michael K. Brisbin
Attorneys for Defendant
CONTINENTAL CASUALTY COMPANY

CERTIFICATION

Essex Marina City Club v. Continental Casualty Company

USDC NDCA Case: 3:11-cv-00408

I, Michael Brisbin, am the ECF User whose identification and password are being used to file this Stipulation And [Proposed] Order Continuing The Trial Setting Conference. In compliance with General Order 45.X.B., I hereby attest that Craig Pinedo has concurred in this filing.

EXECUTED on **January 11, 2012**, at San Francisco, California.

/s/ Michael K. Brisbin

Attorneys for Defendant

CONTINENTAL CASUALTY COMPANY

[PROPOSED] ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the January 13, 2012 Trial Setting Conference to February 24, 2012 at 10:00 a.m. in Courtroom 1, 17th Floor, San Francisco before the Honorable Samuel Conti.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/12/12

HONORABLE SAMUEL CONTI
United States District Judge



CERTIFICATE OF SERVICE

Essex Marina City Club, L.P. v. Continental Casualty Company
United States District Court, Northern District of CA, Case No.: CV11-0408-SC

At the time of service I was over 18 years of age and not a party to this action. I am employed by WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP. My business address is 525 Market Street, 17th Floor, San Francisco, California 94105. My business telephone number is (415) 433-0990; my business fax number is (415) 434-1370. On this date I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL SETTING
 CONFERENCE**

on the person or persons listed below, through their respective attorneys of record in this action, by placing true copies thereof in sealed envelopes or packages addressed as shown below by the following means of service:

☒: **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

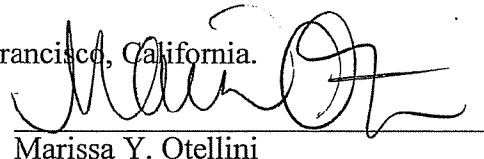
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Attorneys for Plaintiff Essex Marina City Club, L.P.

☒: **By United States Mail.** I placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

Rebecca M. Rothmann, Esq. (*pro hac* application to be filed)
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Of Counsel for Defendant, Continental Casualty Company

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on January 11, 2012, at San Francisco, California.



Marissa Y. Otellini